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# *A Guide to*

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# **WATERSHED PROJECTS**



## **The Watershed Protection and**

## **Flood Prevention Act**

(Public Law 83-566)

## **How it can help you!**





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*All photos are the property of the Soil Conservation Service unless otherwise noted.*

# Introduction and Overview

The Watershed Protection and Flood Prevention Act (Public Law 83-566) authorizes the Secretary of Agriculture to provide technical and financial assistance to local organizations for planning and carrying out watershed projects.

The Act was passed in 1954 as Congress recognized the serious damages being sustained by our nation's streams and flood plains from erosion and sedimentation and economic losses caused by severe flooding. Over the years, as national priorities changed, the program was amended to include a wide variety of purposes and objectives, so that today almost any water-related issue may be addressed through the program.

Eligible purposes include: (1) preventing damage from erosion, floodwater and sediment; (2) furthering the conservation, development, utilization and disposal of water; or (3) conserving and properly using land. The Act defines its purposes to be watershed protection, flood prevention, and agricultural and nonagricultural water management. Conservation land treatment, structural and nonstructural measures are used to address these purposes.

The Watershed Protection and Flood Prevention Program is designed to bridge the gap between the on-farm conservation practices installed by individual landowners and the larger programs for development and flood protection of major river valleys.

The Act requires that this authority be limited to watershed areas of less than 250,000 acres in size. It is often referred to as the "small watershed program."

Public Law 83-566 presents a unique and flexible approach to area-wide water resources planning and management that distinguishes it from other federal programs. Application of conservation land treatment measures to upstream watersheds is the main feature that separates this program from the others. The program emphasizes planning through interdisciplinary teams which include the sponsors, other agencies and environmental groups in all stages of plan development.

Upon request from a locally formed group of sponsors, a comprehensive plan is developed that considers all of the natural resource concerns within a watershed area. Problems are identified and alternative solutions are formulated. Project sponsors select the alternative(s) that best meet their needs and objectives. Financial assistance, through a cost sharing arrangement, is made available to help them carry out their plan.

This brochure outlines procedures to follow to get a project underway and the sponsors' responsibilities as the project progresses. It also describes a variety of water resources problems, and how this versatile program may be used to address them.



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# Eligibility Requirements

Project sponsors may use the Watershed Protection and Flood Prevention Program to address water resources problems and needs that are beyond the capability of individual landowners.

Project sponsors shall be entities legally organized under state law, or any Indian tribe or tribal organization having the authority to carry out, operate and maintain works of improvement. Those plans that incorporate nonstructural or structural measures shall be sponsored by organizations that, individually or collectively, have:

- the power of eminent domain.
- the authority to levy taxes or use other adequate funding sources to finance their share of the project cost, and all operation, maintenance and replacement costs of project works of improvement.

Project sponsors are typically soil and water conservation districts, counties, municipalities, state agencies or watershed, flood control, conservancy, drainage, irrigation or other special purpose districts.

# Eligible Purposes



Photo courtesy of the Brandywine Valley Association.

## Watershed Protection

Watershed protection or "land treatment" projects are planned and implemented to reduce sediment damage, improve water quality, conserve water or reduce damages caused by erosion. These projects generally consist of conservation land treatment practices installed by landowners, and may include animal waste storage and utilization systems.



# Flood Prevention

Flood prevention includes land treatment, nonstructural and structural measures to reduce the damages caused by flooding.

Land treatment measures protect the watershed, and reduce the rate and/or amount of runoff and erosion. Thus, downstream flood peaks, sedimentation and the delivery of other damaging materials carried by floodwater are reduced. Land treatment measures are of the size, complexity and cost that individual or small groups of land users would normally include in their conservation plan and install through ongoing conservation programs.

Nonstructural measures alleviate flood losses by modifying the vulnerability of land, people and property to flood damage or by reducing the impacts of flooding. Nonstructural measures for flood prevention include zoning, building codes or other regulatory actions, land acquisition, relocation, flood proofing and flood warning and response systems.



Structural measures are those larger, more complex and often costly practices that require group action to plan, install, operate and maintain. Structural measures include dams to retard floodwater, channel work, levees, dikes, desilting basins, floodways and floodwater diversions.



Flood prevention may also include structural measures for land stabilization to prevent the destruction of land and to reduce the movement of sediment into stream channels and reservoirs.

Left: Flood Prevention Channel.



# Agricultural Water Management

Agricultural water management consists of measures to increase or conserve present or future water supplies in rural areas, improve water quality impaired by nonpoint source pollutants or salt water intrusion, and increase the efficiency of water management for agricultural purposes.



Agricultural water management includes irrigation, drainage, water conservation, rural water supply storage and distribution, and water quality improvement. Measures which may be used to accomplish these objectives include water supply reservoirs, sediment control and land stabilization measures, distribution pipelines, pumping plants, group drainage systems, lagoons, diversion dams, sluiceways, flumes, canals and irrigation sprinkler systems.



# Nonagricultural Water Management

Proper management of water for a variety of nonagricultural purposes may be a significant component of water resource projects that contribute to an improved environment and a higher quality of life.

Measures may be installed to improve fish and wildlife habitat. Restoration of wetlands to benefit fish and wildlife is also an important feature of the program. These measures may include water level control structures, fish ladders, fish shelters and marsh development, and nesting areas for waterfowl.



Recreation.



Fish and Wildlife.

Recreation facilities are developed to provide opportunities for public water-based recreational activities such as boating and fishing. These facilities may include boat ramps, fishing piers, swimming beaches, bathhouses, picnic tables and sanitary facilities.

Water for municipal and industrial uses may be included in multipurpose impoundments along with flood prevention and other purposes.

Additional water may also be stored in reservoirs for release when needed to improve downstream water quality.



## Nonagricultural Water Management, continued



Municipal and Industrial Water Supply.

## Groundwater Recharge

Groundwater recharge consists of measures designed to facilitate the percolation of surface waters to replenish subsurface aquifers. Such measures include storage of water in

impoundments, diversions, injection wells and other water-spreading techniques. These practices are used in areas where there is an identified shortage of groundwater.

# Financial Assistance Available Through Public Law 83-566

| Purpose   | Technical Assistance | Construction        | Real <sup>1/</sup> Property |
|---|----------------------|---------------------|-----------------------------|
| Watershed Protection  | 100%                 | 65 % <sup>2/</sup>  | N/A                         |
| Flood Prevention  | 100%                 | 100 % <sup>3/</sup> | 0%                          |
| Agricultural Water Management<br>(Irrigation, Drainage, Rural Water Supply,<br>Water Quality, Water Conservation) | 100%                 | up to 50%           | 0%                          |
| Nonagricultural Water Management  |                      |                     |                             |
| Public Fish & Wildlife Development  | 100%                 | up to 50%           | up to 50%                   |
| Public Recreation Development   | 100%                 | up to 50%           | up to 50%                   |
| Recreation Facilities   | up to 50%            | up to 50%           | up to 50%                   |
| Water Quality Management  | 100%                 | up to 50%           | 0%                          |
| Municipal & Industrial Water Supply   | 0 % <sup>4/</sup>    | 0 % <sup>4/</sup>   | 0 % <sup>4/</sup>           |
| Groundwater Recharge  | 100%                 | up to 50%           | 0%                          |

The operation, maintenance and replacement of project features is the responsibility of the project sponsors.

<sup>1/</sup> Includes landrights, water rights, roads and utilities.

<sup>2/</sup> Current cost share rate - may not exceed that of other programs.

<sup>3/</sup> Implementation of nonstructural measures require 25 percent nonfederal cost share.

<sup>4/</sup> Up to 50 percent is authorized by the Act, but present policy prohibits cost sharing. Financial assistance for nonfederal costs may be available through the Rural Development Administration.



# Sponsors' Responsibilities

There is a job for everyone in planning, implementing, operating and maintaining a watershed project. Local, state and federal agencies, public and private organizations and groups, and citizens of the community may all participate.

It is the responsibility of the project sponsors to prepare the watershed plan, provide for implementation, and operate and maintain the project. Technical assistance for planning as well as technical and financial assistance for implementation is available from the Soil Conservation Service and the Forest Service of the U.S. Department of Agriculture, and from other state and federal agencies. Additional financial assistance for nonfederal costs may be available from the Rural Development Administration.

## Preapplication

When water resource problems or needs are recognized, a written request for assistance is sent by the sponsors to the State Conservationist of the Soil Conservation Service.

Upon receipt of their request, when personnel and funds are available, the State Conservationist conducts a preliminary investigation of the watershed. As part of this study, an environmental evaluation is begun using the interdisciplinary team approach.

The purpose of this study is to provide reasonable assurance that a feasible plan can be developed and that assistance may be provided through Public Law 83-566.

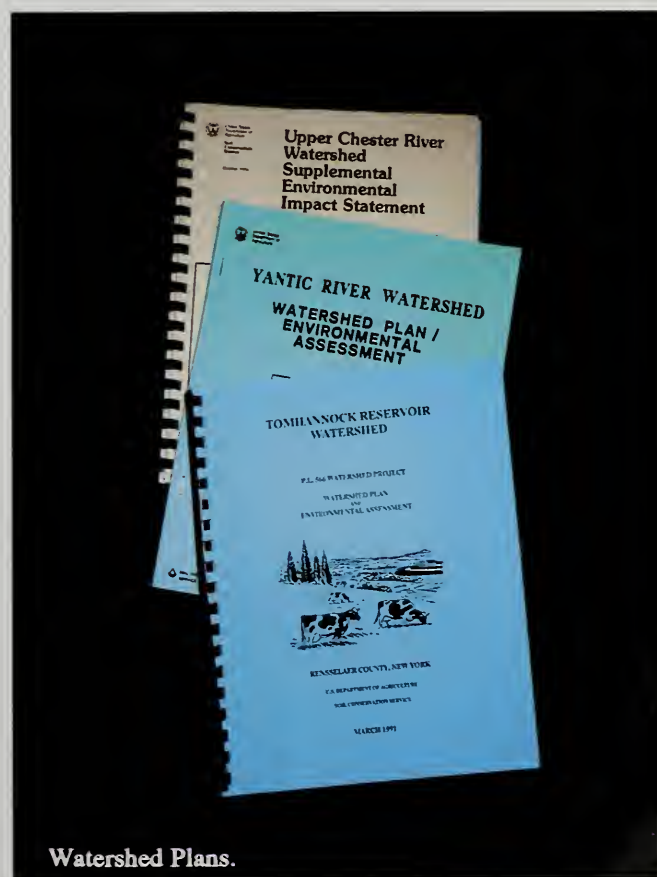
## Application for Assistance

If the preliminary investigation and environmental evaluation indicate that the watershed has Public Law 83-566 project potential, the sponsors may submit a formal application for assistance.

This application must be circulated for review by concerned state and federal agencies, and approved by the state agency designated to approve Public Law 83-566 applications, before planning may proceed.

To be valid, an application must:

- have adequate sponsorship by qualified local organizations,
- conform with federal policies on nondiscrimination,
- comply with the acreage limitation under the Act,
- include documentation that appropriate clearinghouse procedures were followed, and
- be approved by the designated state agency.



Watershed Plans.

## Sponsors' Responsibilities, continued

### Project Planning

After receiving a valid application for assistance, the State Conservationist prepares a Preauthorization Planning Report for the watershed. This report:

- summarizes the results of planning to date,
- identifies at least one feasible alternative solution, and
- includes a plan of work to complete the planning process.

When planning is formally authorized, it is the sponsors' responsibility to:

- prepare the watershed plan,
- conduct required public meetings during the planning process, and
- execute a watershed plan agreement.

This agreement sets forth implementation responsibilities as to acquisition of real property, installation of project measures, cost share rates and project administration requirements.



Interagency Meeting.



## Sponsors' Responsibilities, continued

### Project Implementation

Acquisition of real property and administration of contracts for construction of works of improvement are the primary responsibilities of the sponsors during implementation of the project. They may, however, request the Soil Conservation Service to do the contracting.





## Sponsors' Responsibility, continued

### Operation, Maintenance and Replacement

Prior to the installation of any structural measure, the sponsoring local organization must agree to operate, maintain and replace project components in accordance with state and federal laws, and the formal operation and maintenance agreement. In addition to normal operation and maintenance, certain features may need to be replaced at specific intervals during the project evaluation period. This will be specified in the Operation, Maintenance and Replacement Agreement. Operation, maintenance *and replacement* are major

*responsibilities of the sponsors throughout the project evaluation period--usually 50 or 100 years for projects containing structural measures.*

The Watershed Protection and Flood Prevention Program is used to address water resources problems and needs in over 1,500 watersheds across the country. For more information about the program and how to apply for assistance, contact your Soil and Water Conservation District, or any office of the USDA Soil Conservation Service.








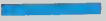
Operation and Maintenance.

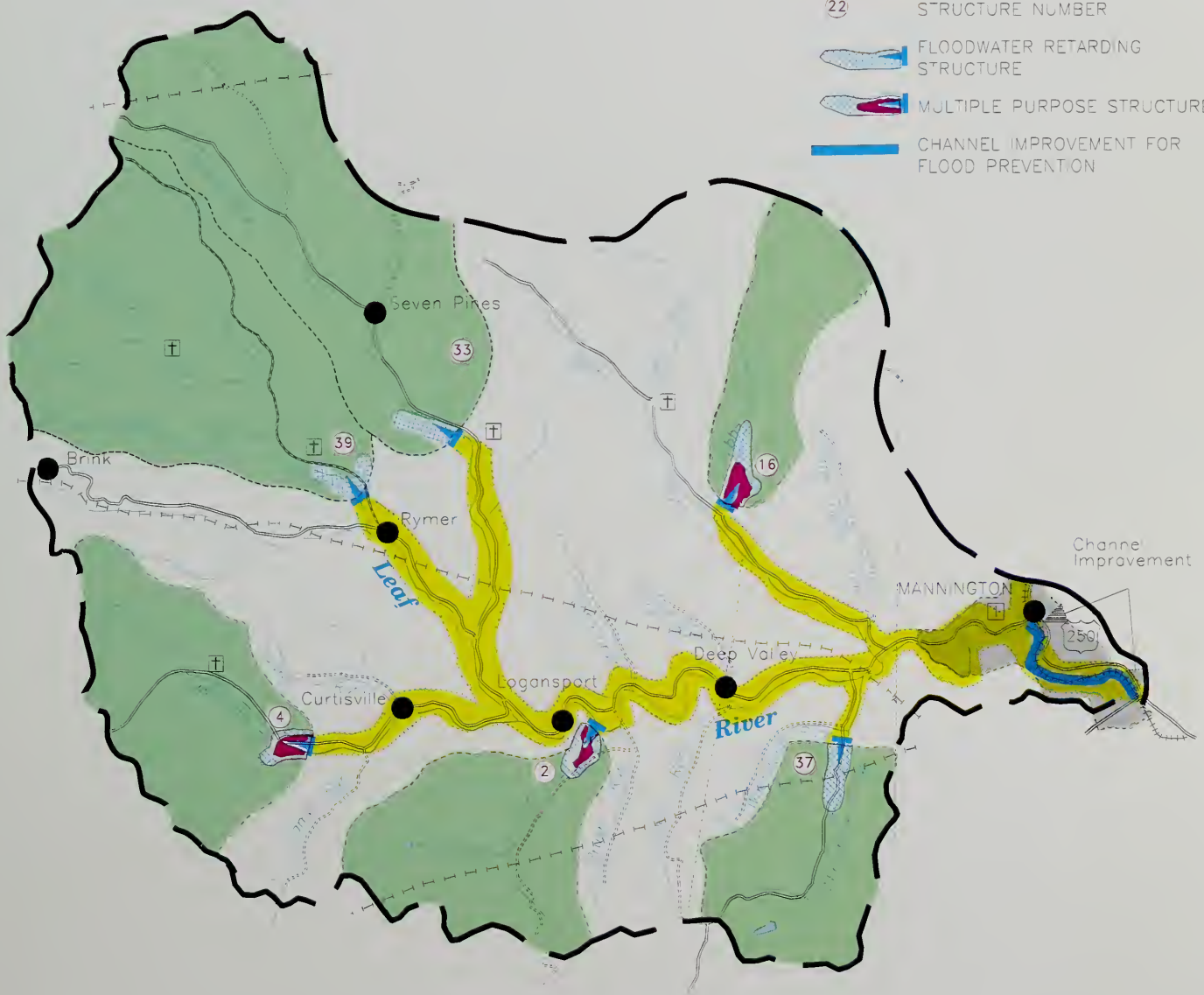


# Watershed Project Map

## LEAF RIVER WATERSHED

### LEGEND

-  DRAINAGE AREA CONTROLLED BY STRUCTURE & COMPLETED DAMS
-  AREA BENEFITED
- PROJECT MEASURES**
-  STRUCTURE NUMBER
-  FLOODWATER RETARDING STRUCTURE
-  MULTIPLE PURPOSE STRUCTURE
-  CHANNEL IMPROVEMENT FOR FLOOD PREVENTION





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# United States Department of Agriculture

## Soil Conservation Service

The Watershed Protection and Flood Prevention Program is administered by the USDA Soil Conservation Service (SCS).

*All programs of the Soil Conservation Service are offered on a nondiscriminatory basis, without regard to race, color, national origin, religion, sex, age, marital status or handicap.*



The **National Watershed Coalition** cooperated in the development of this brochure. The Coalition advocates using the watershed approach to identify natural resource problems and supports use of the Watershed Protection and Flood Prevention Program as one of the best vehicles for planning and implementing water resource management and development projects. The Coalition is located at 9150 West Jewell Avenue, Suite 102 - Lakewood, CO 80232



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